

CITY OF EVANS, COLORADO

ORDINANCE NO. 714-20

AN ORDINANCE AMENDING SECTIONS 2.52.020 AND 2.56.020 OF THE EVANS MUNICIPAL CODE AND SECTIONS 12.1 AND 12.5 OF THE EVANS CHARTER TO CONFORM WITH THE RESULTS OF A CHARTER ELECTION REGARDING MEMBERSHIP OF THE PLANNING COMMISSION AND ZONING BOARD OF APPEALS ,AND FURTHER AUTHORIZING APPOINTMENT OF AN ALTERNATE PLANNING COMMISSION MEMBER

WHEREAS, the City Council of the City of Evans, Colorado, pursuant to Colorado statute and the Evans City Charter, is vested with the authority of administering the affairs of the City of Evans, Colorado; and

WHEREAS, Section 12.1 of the Evans Charter addresses the creation and appointment of the Planning Commission; and

WHEREAS, Section 12.5 of the Evans Charter addresses the creation and appointment of the Zoning Board of Appeals; and

WHEREAS, Section 2.52.020 of the Evans Municipal Code addresses the membership, appointment and qualifications of Planning Commission members; and

WHEREAS, Section 2.56.020 of the Evans Municipal Code addresses the membership, appointment and qualifications of the Zoning Board of Appeals; and

WHEREAS, at a municipal election on November 4, 2014, the electors of the City of Evans approved a charter amendment that, among other things, authorized members of the Planning Commission and the Zoning Board of Appeals to hold other positions with the City of Evans; and

WHEREAS, the City Council has determined that in order to ensure the timely processing of land use applications and other matters that come before the Planning Commission it is necessary and appropriate to authorize appointment of an alternate Planning Commission member and to authorize them to act when necessary to establish a quorum or take other actions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO AS FOLLOWS:

1. Section 12.1 of the Evans City Charter is hereby revised pursuant to the approved Charter amendment by adding the underlined language to read as follows:

12.1 - Planning Commission.

There shall be a City Planning Commission which shall consist of five members, all of whom shall be qualified electors residing within the City and all of whom shall be appointed by the City Council for a term of five years. Members of the City Council shall be prohibited from serving on the Planning Commission. A Planning Commission member may hold any other position with the City, except City Council member. Three members of the Commission shall constitute a quorum. Any member of the Commission may be removed by the Council for cause, after public hearing, if a hearing is requested by such member. The Commission shall adopt rules of procedure (bylaws), which shall include its process for election of a Chairperson and Vice-Chairperson, scheduling of meetings, and proceedings of meetings. All meetings and records of the Commission shall be open to the public. City staff shall keep minutes of the Commission's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions.

2. Section 12.5 of the Evans City Charter is hereby revised pursuant to the approved Charter amendment by adding the underlined language to read as follows:

12.5 - Zoning Board of Appeals.

There shall be a Zoning Board of Appeals which shall consist of five members, all of whom shall be qualified electors residing within the City and all of whom shall be appointed by the City Council for a term of five years. Members of the City Council shall be prohibited from serving on the Zoning Board of Appeals. A Zoning Board of Appeals member may hold any other position with the City, except City Council member. Three members of the Board shall constitute a quorum. Any member of the Board may be removed by the Council for cause, after public hearing, if a hearing is requested by such member. The Board shall adopt rules of procedure (bylaws), which shall include its process for election of a Chairperson and Vice-Chairperson, scheduling of meetings, and proceedings of meetings. All meetings and records of the Board shall be open to the public. City staff shall keep minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its official actions.

3. Section 2.52.020 of the Evans Municipal Code is hereby amended to read as follows:

2.52.020 – Membership – Appointment and Qualifications.

The Planning Commission shall consist of five (5) members, who shall be qualified electors and residents of the City appointed by the City Council

~~none of whom shall hold any other position with the City.~~ A Planning Commission member may hold any other position with the City except City Council Member. The Director of Planning or ~~his~~ their appointed designee shall serve in an advisory capacity to the Planning Commission. The City Council may appoint an alternate Planning Commission member. The alternate member shall receive all materials received by the regular members and may participate in the discussion of any matters during a Planning Commission meeting. The alternate member shall be permitted to vote when fewer than five regular members are present. The presence of the alternate member may also be used when necessary to determine whether a quorum is present.

4. Section 2.56.020 of the Evans Municipal Code is hereby amended to read as follows:

2.56.020 – Membership – appointment and qualifications.

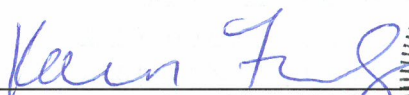
The Zoning Board of Appeals shall consist of five (5) members, who shall be qualified electors appointed by the City Council, ~~none of whom shall hold any other position with the City.~~ A Board member may hold any other position with the City except City Council Member.

5. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.


6. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED AND PASSED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS ON THIS 5TH DAY OF MAY, 2020.

ATTEST:

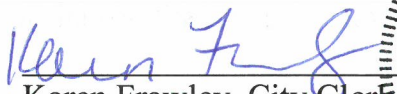

Karen Frawley, City Clerk




Brian Rudy, Mayor

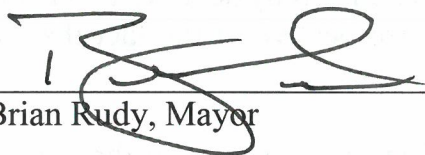
PASSED AND ADOPTED ON A SECOND READING THIS 19th DAY OF MAY, 2020.

ATTEST:


Karen Frawley, City Clerk



CITY OF EVANS, COLORADO


Brian Rudy, Mayor